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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON

5 UNITED STATES OF AMERICA,

No. 13-CR-2109-SMJ-1

6 Plaintiff,

**ORDER DENYING MOTION TO
WITHDRAW PLEA OF GUILTY**

7 v.

8 RUBEN MERAZ TRUJILLO,

9 Defendant.
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On June 3, 2015, the Court heard argument on Defendant Ruben Trujillo's Motion to Withdraw Plea of Guilty, ECF No. 494, and the Related Motion to Expedite, ECF No. 495. Though he did not include grounds for the motion in the filed pleadings, at the hearing Defendant Trujillo argued that he should be permitted to withdraw his guilty plea given the introduction of a bill in Congress that seeks to reschedule medicinal marijuana. Defendant believed that the passage of such bill would significantly impact the charges that had been brought against him. The United States Attorney's Office ("USAO") opposed this motion. ECF No. 496.

Defendant is correct that the Compassionate Access, Research Expansion, and Respect States Act of 2015 has been introduced in the United States Senate. S. 683, 114th Cong. (2015). However, the introduction of this bill does not constitute grounds for withdrawing from a guilty plea.

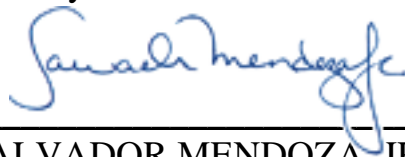
1 Defendant has the burden of demonstrating a fair and just reason for
2 withdrawal of a plea. Fed. R. Crim. P. 11(d)(2)(B). This, however, is a liberal
3 standard. *United States v. Davis*, 428 F.3d 802, 805 (9th Cir. 2005). “Fair and just
4 reasons for withdrawal include inadequate Rule 11 plea colloquies, newly
5 discovered evidence, intervening circumstances, or *any other reason for*
6 *withdrawing the plea that did not exist when the defendant entered his plea.*” *Id.*
7 (quoting *United States v. Ortega-Ascanio*, 376 F.3d 879, 883 (9th Cir. 2003))
8 (emphasis in the original). While the bill did not exist at the time that plea was
9 entered, the proposed bill is not yet law. The Court cannot consider a proposed
10 law, which has not even been voted on by the Senate, as grounds for withdrawing
11 the guilty plea in this case.

12 Accordingly, **IT IS HEREBY ORDERED:**

- 13 1. Defendant’s Motion to Expedite, **ECF No. 495**, is **GRANTED**.
14 2. Defendant's Motion to Withdraw Plea of Guilty, **ECF No. 494**, is
15 **DENIED**.

16 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order
17 and provide copies to all counsel.

18 **DATED** this 4th day of June 2015.

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20 **SALVADOR MENDOZA, JR.**
United States District Judge